

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EDWIN HANNON and BRANDIE
HANNON,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No.: 14-CV-05381-LHK

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE**

Plaintiffs Edwin and Brandie Hannon (“Plaintiffs”), with the assistance of counsel, filed their amended complaint in Monterey County Superior Court on November 6, 2014. ECF No. 1-1 Ex. A. Defendant Wells Fargo Bank, N.A., successor by merger with Wells Fargo Bank Southwest, N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB (“Wells Fargo”) received service of process on November 7, 2014. ECF No. 1 at 5. On December 8, 2014, Wells Fargo removed the instant case to federal court. *Id.* at 6.

On January 5, 2015, Wells Fargo filed a Motion to Dismiss Plaintiffs’ lawsuit, arguing, inter alia, that Plaintiffs’ claims are barred by the doctrine of judicial estoppel and by the applicable statutes of limitations. ECF No. 11. Pursuant to Civil Local Rule 7-3(a), Plaintiffs’

1 Opposition to the Motion to Dismiss was due on January 20, 2015.¹ As of today, March 16, 2015,
2 Plaintiffs have not filed an Opposition or Statement of Nonopposition to Wells Fargo's Motion to
3 Dismiss.

4 The Court hereby ORDERS Plaintiffs to show cause why this case should not be dismissed
5 for failure to prosecute. This Order does not authorize Plaintiffs to file an untimely Opposition to
6 Wells Fargo's Motion to Dismiss. Plaintiffs have until March 26, 2015, to file a written response
7 not to exceed ten (10) pages in length to this Order to Show Cause. A hearing on this Order to
8 Show Cause is hereby set for April 2, 2015, at 1:30 p.m.

9 Plaintiffs' failure to respond to this Order and to appear at the hearing on April 2, 2015,
10 will result in dismissal of this action with prejudice for failure to prosecute.

11 **IT IS SO ORDERED.**

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13 Dated: March 16, 2015

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15 LUCY H. KOH
16 United States District Judge
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27 ¹ January 19, 2015, was a federal holiday.